

The DEA Enforcement and Authority Act of 2021

Our nation is being devastated by the drug epidemic. In 2020, we lost more than 87,000 Americans to drug overdoses, the highest number on record. We can safely assume over 51% of those deaths involved an opioid or synthetic opioid. This epidemic has destroyed families and communities throughout our country. That is why it is so important that we work together and do everything in our power to end this crisis, and that includes giving our federal agencies, including the Drug Enforcement Administration, every possible tool to stop the flood of opioid pills into our communities.

Summary of the Bill: This legislation would restore the DEA’s ability to effectively enforce our nation’s drug laws by making the critical changes requested by the Department of Justice¹ to the Ensuring Patient Access and Effective Drug Enforcement Act, which passed in 2016. Specifically, it would:

- Amend the Immediate Suspension Order standard of review to a “probable cause” standard instead of a “substantial likelihood of an immediate threat” standard.
- Strike the provision allowing companies to submit a formal correction action plan, which slows down the enforcement process and which the Department of Justice calls “duplicative.”

Why this bill is necessary: The October 15, 2017 report² in the Washington Post, “The Drug Industry’s Triumph over the DEA,” shed light on the negative impact that the Ensuring Patient Access and Effective Drug Enforcement Act of 2016 has had on the DEA’s ability to crack down on suspicious opioid orders. With millions of opioids being sent to communities all throughout this country each year, we must ensure that the DEA has every authority and resource available to provide oversight and ensure that all actors in this space are operating within the law.

This legislation would implement the Department of Justice’s own suggestions to amend the bill and ensure that the DEA can keep our communities safe.

¹ https://energycommerce.house.gov/wp-content/uploads/2018/03/20180228DOJ_Response.pdf

² https://www.washingtonpost.com/graphics/2017/investigations/dea-drug-industry-congress/?utm_term=.ea6c55d2746c